REMARKS

Claims 65, 66, 72, 73, and 79-93 are pending in the present Application. All claims are rejected under 35 U.S.C. § 101 and § 112. In view of the following remarks, Applicants respectfully request reconsideration of the Application.

Rejection Under 35 U.S.C. §112

In paragraphs 3-4 of the Office Action, the Examiner rejected claims 65, 66, 72, 73, and 78-93 "under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement." *Office Action*, 3 at ¶ 4. Specifically, the Examiner contends that the limitation 'in order to generate a graphical image' is not described in the specification. Applicants respectfully traverse.

As the Examiner pointed out, the field of invention is directed to "generating and processing of textures in computerized graphical images." *Office Action*, 2 at ¶ 2. Inherently, the processing of textures onto images, in itself, results in generation of a graphical image – one that is textured. An embodiment of "the present invention advantageously provide[s] a footprint assembly system which provides significant image enhancement" of computer generated images. *Specification*, 3 at l. 6-7. In order to provide the image enhancement, graphical images must be generated having the image enhancements.

Texture mapping is "the process of adding detail to an object by creating a picture or a pattern that can be 'wrapped' around the object. . . . The technique is valued in 3-D graphics because it ***enables creation of detailed images*** without the performance degradation that can result from the computation required to manipulate images created with large numbers of polygons." *Microsoft Computer Dictionary, 5th Edition*, 517 (emphasis added).

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In one embodiment, texture coordinates are computed for each pixel. Based on the texture coordinates, a plurality of texel are retrieved from the texture memory and the pixel's texture color is interpolated from the texel values. The pixel's texture color along with a z-value is then ***converted for display*** on a visual display unit. See *Specification*, 7, at l. 4-16. Thus, embodiments of the present invention do contemplate generating and displaying a graphical image.

An applicant may show possession of the claimed invention by using descriptive means such as words, structures, figures, diagrams, formulas and so forth. See *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572 (Fed. Cir. 1997). The Applicant further notes that "there is no *in haec verba* requirement" with regard to correspondence of the specification to the claims. *MPEP* § 2161(I)(B). The *Manual of Patent Examining Procedure* only requires that "newly added claim limitations must be supported in the specification through express, ***implicit, or inherent*** disclosure." *MPEP* § 2161(I)(B) (emphasis added). Because the ***entire focus of the application including figures*** is directed to mapping textures onto surfaces of computer-generated objects, it is ***inherent*** that the application teaches the generation of graphical images. It is impossible and illogical to map textures onto surfaces of computer-generated objects without generating a graphical image showing the textured computer-generated object. As such, Applicants believe the rejection under 35 U.S.C. §112, first paragraph, is not proper and requests the Examiner remove the rejection.

In paragraphs 5-6 of the Office Action, the Examiner rejected claims 73 and 78-93 under 35 U.S.C. §112, second paragraph, as being "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." *Office Action*, 3 at ¶ 6. With respect to claim 73, the Examiner states "[c]laim 73 at line 9 claims accessing a texture map, at line 7 claims accessing a detail map and at line 11 claims associating at least one texel of the texture map with a region of the detail map. The specification on page 20 lines 13-27 describes assessing (sic) the detail map 906 and then accessing the texture map 910. . . . Thus, the order in which the claims access

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the detail map and texture map and perform the associating are unclear. *Office Action*, 4 at ¶ 6.

Applicants point out that, in order to advance prosecution, the requested amendment to claim 73 was provided in the response filed November 30, 2005. That is claim 73 provides the limitations in the order of accessing the detail map, accessing a texture map, and associating at least one texel of the texture map with a region of the detail map. Therefore, this rejection of claim 73 is moot.

Notwithstanding, the Applicants respectfully traverse the reasoning of this rejection. First, "Figures 9(a) and 9(b) are, respectively, schematic and flow diagrams of ***an embodiment*** employing detail maps." *Specification, 4, ln. 23-24* (emphasis added). That is, the description on page 20 lines 13-27 describes one embodiment for utilizing detail and texture maps; it is not the only embodiment. See *Altiris, Inc. v. Symantec Corp.*, 318 F.3d 1363, 1370 (Fed.Cir. 2003) (concerning not limiting the claims to a preferred embodiment).

Secondly, whether the steps of a process claimed must be performed in a specific order or sequence depends on the wording of the claim as interpreted in view of the patent's specification and prosecution history. See *Interactive Gift Express, Inc. v. Compuserve Inc.*, 256 F.3d 1323 (Fed. Cir. 2001). That is, "not every process claim is limited to the performance of its steps in the order written." *Loral Fairchild Corp. v. Sony Corp.*, 181 F.3d 1313, 1322 (Fed. Cir. 1999). Thus, where the claim does not expressly state or necessarily imply the sequence of all or some steps, it would cover the steps performed in any order.

Because claim 73 does not expressly state or necessarily imply the sequence for accessing a texture map and accessing a detail map, the steps may be performed in any order. That is, the texture map may be accessed prior to accessing the detail map, or the detail map may be accessed prior to accessing the texture map. As such, Applicants do not believe that the 35 U.S.C. §112 rejection of claim 73, in this respect, is proper.

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The Examiner also rejected claim 73 finding that the "associating step is indefinite because the only associating performed is by the offset maps which occurs before the detail map is accessed." *Office Action*, 4 at ¶ 6. Applicants disagree.

The associating step of claim 73 requires associating at least one texel of the texture map with a region of the detail map. Thus, the texture map and the detail map should be accessed before the texel can be associated with both maps. The associating by the offset maps, as argued by the Examiner, is a different element and has no bearing on the present claim language.

As previously argued, claim 73 recites "associating at least one texel of the texture map with a region of the detail map." "Associating" as used in claim 73 refers to the generic meaning of "bring together or into relationship in any of various intangible ways."[1] That is, there is ***a relationship between*** the at least one texel of the texture map and the region of the detail map.

In one embodiment, according to the specification, detail maps:

> can be assigned to any texture . . . map. Level 0 of any map can be considered as the top-level of a detail mipmap, which in turn has the four levels $\omega = -1 \ldots -4$. Each texel in level 0 covers an area of 16x16 texels in level -4, and is assigned a pointer into the associated region of the detail map . . . . [T]hese pointers are two 8-bit offsets which are stored separately in so-called detail offset maps.
> (pg. 20, ln. 5-11).

Based on the general meaning of the word "associating," the cited portion of the specification, the language of dependent claims 79 and 83, and the above case law stating where the claim does not expressly state or necessarily imply the sequence of all or some steps, it would cover the steps performed in any order, Applicants do not believe that claim 73 is indefinite.

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[1] *Merriam-Webster Online*: associate (available at http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=associating).

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Claim 86 is rejected as having "the same problems that is (sic) present in claim 73." *Office Action*, 4 at ¶ 6. By way of the arguments provide above with respect to the order of the steps and the "associating" limitation, Applicants believe claim 86 is not indefinite.

Rejection Under 35 U.S.C. § 101

In paragraph 8 of the Office Action, the Examiner rejected claims 65, 66, 72, 73, and 78-93 under 35 U.S.C. §101 "because the claimed invention is directed to non-statutory subject matter." *Office Action*, 5 at ¶ 8. Specifically, the Examiner contends that "[s]ince the added limitation does not have support in the originally filed specification, then the added limitation "in order to generate a graphical image" does not add a useful, concrete, and tangible result to the claims. *Office Action*, 5 at ¶ 8. Applicants traverse.

As argued above with respect to the 35 U.S.C. § 112 rejection, it is inherent that a graphical image is generated. It would be nonsensical to process a texture or generate a texture map alone. The texture must be applied or mapped to the computer-generated object to produce a graphical image – otherwise, there is no point in processing textures and texture maps.

Because it is inherent that graphical images are generated by embodiments of the present invention, the claimed invention is directed to statutory subject matter, and the rejection under 35 U.S.C. § 101 is not proper.

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CONCLUSION

Based on the foregoing remarks, Applicants believe that the rejections in the Office Action of August 30, 2005 are fully overcome, and that the Application is in condition for allowance. If the Examiner has questions regarding the case, he is invited to contact Applicants' undersigned representative at the number given below.

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April 20, 2006 By: _____

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